

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CHRISTIAN GETTEMEIER,

Plaintiff,

v.

MARK BURSE, et al.,

Defendants.

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Case No. 4:13-CV-647-JAR

MEMORANDUM AND ORDER

This matter is before the Court on Defendant's Motion to Dismiss, or In the Alternative to Strike and Defendant's [sic] Pike County, Missouri and Stephen Korte's Motion for Change of Venue (ECF No. 5). In the Motion to Dismiss, Defendants Pike County, Missouri and Stephen Korte (hereinafter "Defendants") assert that the claims against them should be dismissed for failure to state a claim under Fed.R.Civ.P. 12(b)(6). Although Defendants argue in the alternative that this case should be transferred to the Northern Division, the Court resolves this issue first so that the proper court can address Plaintiff's dispositive motion.

Defendants contend that venue would be proper in the Northern Division, rather than the Eastern Division. Defendants argue that venue is proper in the Northern Division because that division includes Pike County, Missouri, the underlying actions occurred in Pike County, Missouri, Plaintiff resides in Pike County, Missouri, and Defendant Stephen Korte and Mark Burse reside in Pike County, Missouri.¹ In Plaintiff's Answer to Defendant's Motion to Dismiss, or in the Alternative to Strike and Defendants Pike County Missouri and Stephen Korte's Motion for Change of Venue (ECF No. 9), Plaintiff agrees that this Court should transfer divisional venue of this matter from the Eastern Division to the Northern Division.

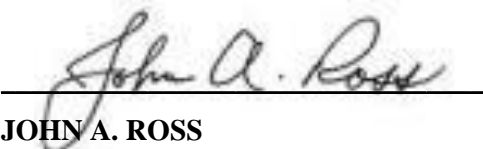
¹ Defendants believe that defendant Mark Burse also resides in Pike County, Missouri (ECF No. 5-1, p. 9), and Plaintiff does not dispute this contention.

Local Rule 2.07(B)(2) provides that in “[a]ll actions brought against multiple defendants all of whom reside in the same division must be brought in that division, or in the division where the claim for relief arose. If at least two of the defendants reside in different divisions, such action shall be filed in any division in which one or more of the defendants reside, or where the claim for relief arose.” The Court finds that venue is proper in the Northern Division and transfers this action accordingly.

Accordingly,

IT IS HEREBY ORDERED that Defendant’s Motion to Dismiss, or In the Alternative to Strike and Defendant’s [sic] Pike County, Missouri and Stephen Korte’s Motion for Change of Venue [5] is **GRANTED**, in part. This case is transferred to the United States District Court for the Eastern District of Missouri, Northern Division. The Court does not rule on Defendants’ Motion to Dismiss and that motion remains pending.

Dated this 29th day of May, 2013.

A handwritten signature in dark ink, reading "John A. Ross", is written over a horizontal line.

JOHN A. ROSS

UNITED STATES DISTRICT JUDGE